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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Taisuke YAMAUCHI

Group Art Unit: 2879

Application No.: 10/718,676

Examiner: K.J. QUARTERMAN

Filed: November 24, 2003

Docket No.: 117855

For: SELF-EMITTING ELEMENT, DISPLAY PANEL, DISPLAY APPARATUS, AND
METHOD OF MANUFACTURING SELF-EMITTING ELEMENT

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the January 11, 2006 Restriction Requirement, Applicant provisionally elects Group I, claims 1-11 and 14-21, with traverse.

It is respectfully submitted that the subject matter of all claims is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden.

See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Furthermore, in the event the Examiner does not examine all the claims on the merits, after allowance of the elected claims, rejoinder of the non-elected claims is requested. More specifically, Group I, claims 1-11 and 14-21, are drawn to a display apparatus. Group II, claims 12-13, are drawn to a method of manufacturing the display apparatus. In accordance with MPEP §821.04, if product claims are elected and subsequently allowed, rejoinder of the non-elected process claims that depended from or otherwise include all the limitations of the allowed product claims is permitted. Accordingly, if this Restriction Requirement is not withdrawn, then upon allowance of the elected claims, rejoinder of the non-elected claims is requested.

Respectfully submitted,



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JAO:LMS/ccs

Date: February 10, 2006

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